

EXHIBIT A

In the Matter Of:

Bayne, Debora vs NAPW, Inc.

MELANIE FARRIS

November 06, 2019

Job Number: 585624

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----X

4 DEBORA BAYNE, and all other
5 persons similarly situated,
6 Plaintiff(s),

7 - against -

8 Index No.18-CV-3591

9 NAPW, INC. d/b/a National
10 Association of Professional
11 Women and d/b/a International
12 Association of Women, and
13 PROFESSIONAL DIVERSITY
14 NETWORK, INC. d/b/a National
15 Association of Professional
16 Women and d/b/a International
17 Association of Women,

18 Defendant(s).

19 -----X

20 40 Broad Street
21 New York, New York

22 November 6, 2019
23 10:06 a.m.

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26 DEPOSITION of MELANIE FARRIS, a
27 Plaintiff in the above-entitled action, was taken
28 pursuant to Notice, at the above time and place,
29 held before a Notary Public within and for the
30 State of New York.

31 Job No. 585624

1 A P P E A R A N C E S:

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3 VIRGINIA & AMBINDER
Attorneys for the Plaintiffs
4 40 Broad, 7th Floor
New York, New York 10004
5 BY: JACK NEWHOUSE, ESQ.

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DINSMORE & SHOHL LLP
9 Attorneys for the Defendants
222 West Adams Street, Suite 3400
10 Chicago, Illinois 60606
BY: JOHNER T. WILSON III, ESQ.

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13 Also Present:

14 Michele Moreno
Virginia & Ambinder

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1 would be the lead plaintiff in this lawsuit?

2 MR. NEWHOUSE: Objection.

3 MR. WILSON: Basis?

4 MR. NEWHOUSE: Attorney/client
5 privilege.

6 Q Did you and Deb have conversations about
7 who should be the lead plaintiff?

8 A Absolutely not.

9 Q Do you know what was considered --

10 A No, I don't.

11 Q -- as to why you wouldn't be the lead
12 plaintiff?

13 A No, I don't.

14 MR. NEWHOUSE: Objection, calls
15 for speculation.

16 MR. WILSON: If she knows?

17 MR. NEWHOUSE: About other
18 people, sure. The question calls for
19 speculation.

20 Q You were the first person to raise the
21 issue that something should be done?

22 MR. NEWHOUSE: Objection, calls
23 for speculation.

24 Q You approached Deb with the issue that you
25 had about your paychecks; correct?

1 A Absolutely, yes, I did.

2 Q You and Debora together decided that
3 something should be done?

4 A Correct.

5 Q And you decided that that something would
6 be a lawsuit?

7 A Yes.

8 Q Who made first contact with the law firm
9 you are represented by?

10 MR. NEWHOUSE: Between her and
11 Deb?

12 Q Between you and Deb.

13 A I honestly -- I was recommended to this law
14 firm by another lawyer from Levittown.

15 Q Who?

16 A Joseph. I don't know Joseph's last name.

17 Q Joseph is a lawyer with this firm?

18 A I don't think so.

19 Q Where is Joseph -- you said he's a lawyer
20 who --

21 A In Levittown.

22 Q Did you speak with Joseph about your
23 issues?

24 A Over Passover, yeah. I was doing Passover
25 dinner; I was on the phone. I started talking; he

1 started listening.

2 Q I am asking because when I asked you who
3 you talked to, you didn't mention Joseph.

4 MR. NEWHOUSE: He's an
5 attorney.

6 MR. WILSON: She didn't mention
7 Joseph. Are you claiming privilege
8 over her conversation with Joseph?

9 MR. NEWHOUSE: He certainly is
10 privileged.

11 MR. WILSON: Is there agreement
12 between your firm and Joseph on
13 representation?

14 MR. NEWHOUSE: Absolutely not,
15 no.

16 A I did nothing with Joseph. Just talked.

17 MR. WILSON: I'm wondering how
18 that conversation is privileged.

19 MR. NEWHOUSE: If he's an
20 attorney and she went to him about a
21 legal issue, that would be a
22 communication that's privileged.

23 MR. WILSON: Are you saying he
24 represents her?

25 MR. NEWHOUSE: You don't have

1 to be represented by the attorney in
2 order for it to be privileged.

3 Q I need Joseph's last name. I think we've
4 got to revisit this. Give me a phone number you have
5 for Joseph.

6 A We're talking almost two years ago.

7 Q That's fine. You don't have any phone
8 number for Joseph?

9 A No.

10 Q Where does Joseph work?

11 A At a law firm.

12 Q What is the name of that law firm?

13 A I don't know.

14 Q You said Levington?

15 A Levittown.

16 Q Can you spell that for me.

17 A L-E-V-I-T-O-W-N. [sic]

18 Q That's here in New York; correct?

19 A Correct, Long Island.

20 Q Tell me. You said this conversation
21 occurred during Passover?

22 A Yep.

23 Q Passover dinner?

24 A Yes. I have two Jewish children.

25 Q This was in 2018?

1 A Yes.

2 Q How long did this conversation last with
3 Joseph?

4 A About thirty minutes.

5 * Q Did Joseph give you legal advise?

6 MR. NEWHOUSE: Objection,
7 attorney/client privilege. You're
8 asking about whether --

9 MR. WILSON: I'm asking her if
10 she received legal advise. That's
11 not privileged. She can say yes; she
12 can say no.

13 MR. NEWHOUSE: You're asking
14 about the substance of his --

15 MR. WILSON: I'm asking if he
16 provided legal advice. That's a very
17 specific question. If he provided
18 legal advice, it's privileged. If he
19 didn't, it's not privileged. I am
20 really getting perturbed by your
21 obstructionary practices on this
22 topic.

23 MR. NEWHOUSE: You can raise
24 your voice all you want.

25 MR. WILSON: I apologize if I

1 raised my voice. That wasn't
2 necessary.

3 MR. NEWHOUSE: That doesn't
4 change the subject that she testified
5 she went to him. He's an attorney.
6 She was communicating with him about
7 a potential lawsuit. Any further
8 substantive portion of her
9 conversation including whether or not
10 he provided her with legal advice is
11 privileged.

12 MR. WILSON: I would challenge
13 that statement. I would object to
14 the leading aspect and the coaching
15 aspect of your explanation. If he
16 had a conversation with her and did
17 not provide legal advice, there's
18 zero basis to claim privilege over
19 that conversation. That's what makes
20 a communication privileged. So I
21 will ask my question. You can
22 instructed your witness not to
23 answer, and I will certify the
24 question and we can have the judge
25 look it. Are you instructing the

1 witness not to answer?

2 MR. NEWHOUSE: One moment.

3 MR. WILSON: I apologize for
4 elevating my voice slightly.

5 MR. NEWHOUSE: Yes. I'm
6 directing my client not to answer.

7 MR. WILSON: Certify the
8 question.

9 Q Other than the conversation during Passover
10 dinner, did you have any subsequent conversation with
11 Joseph, the attorney?

12 MR. NEWHOUSE: You can answer.

13 A Yes, I did.

14 Q How many times have you spoken with Joseph?

15 A Twice.

16 Q When did the second conversation occur?

17 MR. NEWHOUSE: You could
18 answer.

19 A April. I don't have exact date.

20 Q After the Passover dinner?

21 A Yes.

22 Q Are there any other conversations you are
23 not talking about?

24 A No.

25 Q What other family members did you discuss

1 **the basis for your lawsuit with?**

2 A None.

3 Q **The conversation you had with Joseph during**
4 **the Passover dinner, who else was present?**

5 MR. NEWHOUSE: Present on the
6 phone?

7 A In the room?

8 Q **Yes.**

9 A My children.

10 Q **Which children?**

11 A Sean Paul.

12 Q **How old is Sean?**

13 A Thirteen.

14 Q **Who else?**

15 A Mckenzie, M-C-K-E-N-Z-I-E, twelve.

16 Q **Who else?**

17 A Daniel, twenty-two with autism.

18 Q **They were in the room when you had the**
19 **conversation?**

20 A I was in the kitchen; they were in the
21 living room.

22 Q **This is Passover dinner; you were having**
23 **Passover dinner at your home?**

24 A Yes.

25 Q **Did you have guests?**

1 MR. NEWHOUSE: In other words?

2 MR. WILSON: No wall separating
3 them; they were there. Children
4 present.

5 MR. NEWHOUSE: I am simply
6 stating my objection to the
7 statement.

8 Q No other conversation with anyone else
9 about this, the factual basis for the case?

10 A No, no other people.

11 Q Was Debora Bayne the first person you spoke
12 with about the issue that you believe existed with your
13 paychecks?

14 A Yes.

15 MR. WILSON: Give me one moment
16 to review my notes.

17 Q During your time at NAPW, were you coached
18 on the importance of time management skills?

19 A I didn't need to be coached. I do good
20 time management. I was never coached.

21 Q Were you instructed or informed that time
22 management was one of the core values at NAPW?

23 A I don't recall.

24 Q Were there opportunities for advancement at
25 NAPW?